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09/144,782	09/01/1998	GHANI ABDUL MUTTALIB ABBAS	P/61149.USP/	5198

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EXAMINER

TON, DANG T

ART UNIT	PAPER NUMBER
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2666

26

DATE MAILED: 10/03/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/144,782

Applicant(s)

ABBAS, GHANI ABDUL MUTTALI

Examiner

DANG T TON

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 21 July 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 80-101 and 123-136 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 80-101 and 123-136 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

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1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 80, 82-86, 89-92, 96, 98, 99, and 123-136 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by ITU-T Recommendation G.707 (Network node interface for the synchronous digital hierarchy).

For claim 80, ITU-T G.707 discloses a method for the transmission of data in a synchronous digital hierarchy (SDH) network (see page 3 section 3.3 lines 1-2 and page 5 section 3.10), comprising the steps of: transmitting to a node (see page 4 section 3.7 lines 1-2) of the SDH network a concatenated data signal (see C-4-Xc in figure 8-8/G.707, page 42 section 8.1.7.1) from outside the SDH network, converting the signal into a virtually concatenated information structure (see VC-4-XC in section 8.1.7.1 and figure 8-8/G.707, page 88 section 10.2.3, figure 10-19/G707, page 86 section 10.2, and page 87 section 10.2.1), and transporting the signal through the SDH network in

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the virtually concatenated information structure (VC-4-XC ,see page 42 section 8.1.7.1 and page 88 section 10.2.3), the converting step including the step of processing a path overhead (see path overhead J1,B3,C2,G1,F2,H4,F3,K3,and N1 in figure 8-8/G.707) of the signal by using a part of the path overhead (see H4 in figure 8-8/G/707 and page 66 section 9.3.1.6) to indicate a sequence of frames in the virtually concatenated information structure (see page 52,section 8.3.8 and figures 8-13/G707 and 8-14/G.707).

For claim 82, ITU-T disclose the concatenated signal being transmitted to the SDH network from outside the SDH network is in contiguously concatenated form (see C-4-XC in figure 8-8 and section C.3.3).

For claim 83, ITU discloses the concatenated signal from outside the SDH network comprising a virtual container four (VC-4) or virtual container three (VC-3) or an administrative unit three (AU3) (see VC-3,VC-4 and AU-3 in figure 6-1/G.707).

For claim 84, wherein the path overhead comprises bytes H4, J1 and B3 (see path overhead in figure 8-8/G.707) wherein the VC-4 and VC-3 comprise a plurality of the frames, and the step of processing the path overhead includes the steps of using byte

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H4 for indicating the sequence of the frames (see page 52, section 8.3.8 and figures 8-13/G.707 and 8-14/G.707) within the VC-4 or VC-3, using byte J1 to indicate an order of VC-4s or VC-3s (see page 64 section 9.3.1.1) in the virtually concatenated information structure, and correcting, as necessary, error indication information carried in byte B3 (see page 64 section 9.3.1.2 and section C.5 page 99).

For claim 85, wherein the transmitting step transmits the concatenated signal in the form comprising four contiguously concatenated VC-4s (see X=4 in section 8.1.7.1 and 4VC-4s in page 97 section C.3.3), and wherein the processing step processes the four VC-4s into the virtually concatenated information structure comprising virtually concatenated VC-4s for transfer across the SDH network (see VC-4-XC in figure 8-8/G.707).

For claim 86, wherein the transmitting step transmits the concatenated signal in the form comprising contiguously concatenated VC-3s, and wherein the processing step processes the VC-3s into the virtually concatenated information structure comprising virtually concatenated VC-3s for transfer across the SDH network (see VC-3 in figure 6-1/G.707).

For claim 89, ITU-T discloses the steps of switching and transmitting the VC-4 or VC-3 frames of the virtually concatenated information structure through the SDH network

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together in a single synchronous transfer module (STM) or in multiple STMs and via a same route( see VC-4,VC-3 and STM-N in figure 6-1/G.707 and figure C.2/G.707).

For claim 90, wherein the concatenated signal from outside the SDH network comprises a virtual container two (VC-2) or a virtual container one (VC-1)(see VC-2 in figure 6-1/G.707).

For claim 91, wherein the path overhead comprises bytes V5, J2, N2 and K4 (see section 9.3.2.1 to 9.3.2.4), and wherein the step of processing the path overhead includes the step of transferring contents of the path overhead bytes to unused parts of the signal(see section 9.3.2.5, page 69).

For claim 92, wherein the transmitting step transmits the concatenated signal in the form comprising two or more contiguously concatenated VC-2s or VC-1s, and wherein the processing step processes the VC-2s or VC-1s into the virtually concatenated information structure comprising virtually concatenated VC-2s or VC-1s for transfer across the SDH network (see page 88 section 10.2.3 and figure 10-19/G.707).

For claim 96, in which the VC-2s and VC-1s comprise a plurality of the frames, and the steps of switching and transmitting the VC-2 or VC-1 frames of the virtually concatenated information structure through the SDH network together in a single synchronous transfer module (STM) or in

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multiple STMs and via a same route (see VC-2/VC-1 in section 9.3.2.1, VC-2, STM\_N in figure 6-1/G.707).

For claim 98, ITU-T discloses a synchronous digital hierarchy (SDH) network in which data is carried in a virtually concatenated information structure (see VC-4-XC in figure 8-8/G.707), the network comprising: tributary cards (see TU-3, TU-11, TU-12, TUGs in figure 6-1/G.707) arranged and configured to process signals received in a contiguously concatenated form (C-4-XC) to convert them into a virtually concatenated form (VC-4-XC) to transfer across the network (see page 99 lines 1-2, page 42 section 8.1.7.1, figure 8-8, page 87 section 10.2.1).

For claim 99, ITU-T discloses the network wherein the tributary cards are arranged and configured to process the signals transferred to the SDH network in the virtually concatenated form and to convert them into the contiguously concatenated form (see page 86 section 10.2 (in reverse operation)).

For claim 123, ITU-T discloses a method for the transmission of data in a virtually concatenated information structure (see VC-4-XC in figure 8-8/G.707) comprising a path

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overhead (see POH in figure 8-8/G.707) and a plurality of frames(see figures 8-13/G.707 and figure 8-14/G.707), the method comprising the steps of: transmitting the data in a sequence of the frames, and using a part of the path overhead to indicate the sequence of the frames in the virtually concatenated information structure(see page 52 section 8.3.8 and figures 8-13/G.707 and 8-14/G.707).

For claim 124, ITU-T discloses the path overhead comprising an H4 byte, the method including the step of using the H4 byte for indicating the sequence of the frames(see H4 in figure 8-8/G.707 and see page 52 section 8.3.8 and figures 8-13/G.707 and 8-14/G.707).

For claim 125, ITU-T discloses the virtually concatenated information structure comprising virtual containers (VC), and wherein the path overhead comprises a J1 byte, the method including the step of using the J1 byte to indicate an order of the virtual containers in the virtually concatenated information structure(see page 64 section 9.3.1.1).

For claim 126, ITU-T discloses the path overhead comprising a B3 byte for providing an error indication, the method including the step of correcting, as necessary, the error



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indication carried in byte B3 (see B3 in section 9.3.12 page 64 and section C.5 page 99).

For claim 127, ITU-T discloses a virtually concatenated information structure (VC-4-XC in figure 8-8/g.707) for carrying data in a frame sequence , comprising: a plurality of frames, and a path overhead, a part of the path overhead comprising means for indicating the frame sequence in the virtually concatenated information structure(see page 52 section 8.3.8 and figures 8-13/G.707 and 8-14/G.707).

For claim 128, ITU-T discloses the path overhead comprising an H4 byte for indicating the frame sequence(see page 52 section 8.3.8 and figures 8-13/G.707 and 8-14/G.707).

For claim 129, ITU-T discloses the virtually concatenated information structure comprising virtual containers, and wherein the path overhead comprises a J1 byte for indicating an order of the virtual containers in the virtually concatenated information structure(see page 64 section 9.3.1.1).

For claim 130, ITU-T discloses the path overhead comprising a B3 byte for providing an error indication(see B3 in section 9.3.12 page 64).

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For claim 131, ITU-T discloses the virtually concatenated information structure comprising a virtual container four (VC-4) or virtual container three (VC-3) or an administrative unit three (AU3) ( see VC-3, VC-4 and AU-3 in figure 6-1/G.707).

For claim 132, ITU-T discloses the path overhead comprising an H4 byte and a J1 byte, and wherein the H4 byte and the J 1 byte comprise information for controlling alignment of the virtual containers (see H4 and J1 byte in POH, figure 8-8/G.707 and alignment signal in figure 6-1/G.707).

For claim 133, ITU-T discloses a data signal from outside a network comprising a virtual container two (VC-2) or a virtual container one (VC-1) (see VC-2 in figure 8-8/g.707).

For claim 134, ITU-T discloses a network management system for managing data transfer in a virtually concatenated information structure (VC-4-XC in figure 8-8/G.707) for carrying data in a frame sequence, comprising: a plurality of frames, and a path overhead, a part of the path overhead comprising means for indicating the frame sequence in the virtually concatenated information structure (see page 52 section 8.3.8 and figures 8-13/G.707 and 8-14/G.707).

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For claim 135, ITU-T discloses a tributary interface(see TU or TUGs in figure 6-1/G.707) for data transmission of a virtually concatenated information structure (VC-4-XC in figure 8-8/G707)for carrying data in a frame sequence, comprising: a plurality of frames, and a path overhead, a part of the path overhead comprising means for indicating the frame sequence in the virtually concatenated information structure (see page 52 section 8.3.8 and figures 8-13/G.707 and 8-14/G.707).

For claim 136, ITU-T discloses a network for the transmission of data in a virtually concatenated information structure (VC-4-XC in figure 8-8/G.707) for carrying data in a frame sequence, comprising: a plurality of frames, and a path overhead, a part of the path overhead comprising means for indicating the frame sequence in the virtually concatenated information structure( see page 52 section 8.3.8 and figures 8-13/G.707 and 8-14/G.707).

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claim 81,87,88,93,94,and 100 are rejected under 35 U.S.C. 103(a) as being unpatentable over ITU-T G.707 in view of Bleickardt et al. (5,461,622).

For claims 81,87,88,93,94, and 100, ITU discloses the communication described in paragraph 1 of this office action.

For claim 88, ITU disclose the step of controlling the aligning step according to contents of bytes J1 and H4 (see J1 and H4 in path overhead (POH) and aligning signal in figure 6-1/G.707).

For claim 94, ITU discloses the step of controlling the aligning step according to contents of the path overhead bytes transferred to the unused parts of the signal (see page 88 section 10.2.3 and figure 10-19/G.707).

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For claims 81, 87, 93, and 100, ITU-T discloses all the subject matter of the claimed invention with the exception of the tributary interfaces comprising one or more buffers for aligning the virtual containers in a communications network as recited in claims 87, 93 and 100 and restoring the path overhead (POH) as recited in claim 81. Bleickardt et al. from same or similar fields of endeavor teaches the splitter and buffer 213 inserting spaces in each output so that overhead bytes can be added that are aligned between the rails (see column 5 lines 40-44 and boxes 508-1 to 508-3 and 213 in figures 2 and 5) and restoring the POH (see boxes 506-1 to 506-3 in figure 5). Thus, it would have been obvious to the person of ordinary skill in the art at the time of the invention to use the buffers and POH extractor as taught by Bleickardt et al. in the communications network of ITU-T. The aligning the virtual containers of ITU-T and restoring POH can be implemented by connecting the buffers and POH extractor of Bleickardt et al. into AU-4 or AU-3 of ITU-T. The motivation for using buffers and POH extractor as taught by Bleickardt et al. in the communications network of ITU-T being that it provides more efficiency for the system since the system can align/realign rate signals at the receiving end.

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 97 and 101 are rejected under 35 U.S.C. 103(a) as being unpatentable over ITU-T G.707 in view of Fukunaga et al. (6,118,795).

For claims 97 and 101, ITU-T discloses a method/apparatus described in paragraph 1 of this office action.

ITU-T discloses all the subject matter of the claimed invention with the exception of detecting the receipt of signals in the contiguously concatenated form by detecting/recognizing a concatenation indication of the signals received as recited in claims 97 and 101. Fukunaga et al. from the same or similar fields of endeavor teaches the concatenation judgment section 25 detects the state of respective channel independently of the processing by the pointer processing section 11 for detecting

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the concatenation state of the reception data (see column 19 lines 19-22 ). Thus, it would have been obvious to the person of ordinary skill in the art at the time of the invention to use the concatenation indication of the received signal as taught by Fukunaga et al in the communications network of ITU-T. The detecting the concatenation of the received signal can be implemented by connecting the processing pointer processing apparatus of Fukunaga et al at the receiving end of the communications network of ITU-T. The motivation for using the detection of the concatenation state as taught by Fukunaga et al. in the communications network of ITU-T being that to identify a frame size of the received transmission frame in the SDH system and to perform flexibly and rapidly a reception pointer processing corresponding to the frame size.

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claim 95 is rejected under 35 U.S.C. 103(a) as being unpatentable over ITU-T in view of Background of the invention of Rickard (5,588,000).

For claim 95, ITU-T discloses the contiguously concatenated VC-2s or VC-1s (see VC-2 in figure 6-1/G.707) received from outside the SDH network comprising a plurality of the frames in a set sequence (see page 52, section 8.3.8 and figures 8-13 and 8-14)

For claim 95, ITU-T disclose all the subject matter of the claimed invention with the exception of reordering the frames in the set sequence as required. The background of the invention of Rickard from the same or similar fields of endeavor teaches a provision of frames being received out of order, and thus burden the destination device with the task of reordering the frames (see column 2 lines 9-11). Thus, it would have been obvious to the person of ordinary skill in the art at the time of the invention to use the reordering frames as taught by the background of Rickard in the communications network of ITU-T. The reordering frames of Rickard can be implemented into



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communications network of ITU\_T by connecting the reordering frame device at the receiving end of ITU-T. The motivation for using the reordering frames in sequence as taught by Rickard in the communications network of ITU-T being that it provides the system more reliable since it detects which sequence is misplaced and fixed the problem by reordering the frames in sequence as required.

5. Applicant's arguments filed 7/21/2003 have been fully considered but they are not persuasive.

In the remarks of 7/21/2003, applicant traverses the rejection of claims under 35 U.S.C 102. The traversal is based on ground that reference does not teach the virtually concatenated information structure. This argument is not found to be persuasive. Applicant's attention is directed at figure 8-8/G.707 wherein it teaches VC-4-XC (virtual concatenated information); section 10.2.1 , figure 10-17/G.707, page 87; section 10.2.3, page 88; and figure 10-19/G.707, page 89). Moreover, applicant mentioned that reference do teach both virtual and contiguous structures but no details are given how contatenation is achieved and invention provides a practical implementation of virtual concatenation that not known before and is not found in G.707. This argument is not found to be

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persuasive since applicant did not point out which limitation from the claims is not taught by the reference.

Applicant also argued that reference does not teach H4 and J1 for indicating the order of a concatenated VC. This argument is also not found to be persuasive. Applicant's attention is directed at page 52, section 8.3.8 and figures 8-13/G.707 and 8-14/G.707 within VC-4 or VC-3 and page 64 section 9.3.1.1 wherein it teaches H4 for indicating sequence of frames and J1 for indicating an order of VC-4s or VC-3s.

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to DANG T TON whose telephone number is 703-305-4739. The examiner can normally be reached on MON-WED, 5:30 AM-6:00 PM and Thur 5:30-9:30 A.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, RAO SEEMA can be reached on 703-308-5463. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and 703-872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

D. Ton

September 22, 2003



DANG TON  
PRIMARY EXAMINER